

Claim 99 (New) The method according to claim 98 wherein the negative pressure is applied by a collection device.

Claim 100 (Previously presented) The method according to claim 99 wherein the collection device is a syringe.

### **REMARKS/ARGUMENTS**

#### **Status of the Claims**

Claims 79-89 were originally pending in this application and have now been canceled. Claims 90-100 have been added and are now pending. Support for the new claims can be found throughout the specification, specifically from pages 8-11, and Figures 1, 3, and 7A-C. Applicant asks that all claims be examined and allowed.

#### **Objection to the Specification**

The Examiner has objected to certain informalities in the specification. The Applicant has amended the specification to correct the informalities. Applicant respectfully requests that the objection to the specification be withdrawn.

#### **Objection to the Oath/Declaration**

The Examiner has objected to the oath/declaration as being defective due to alterations made to the oath or declaration. The Applicant provided the USPTO with a copy of the original declaration filed from a prior application under CFR 1.63(d). Any alterations made to the

present oath/declaration were made when the oath/declaration was filed with U.S. Patent Application Serial No. 10/109,046, filed on March 29, 2002. The Applicant would also respectfully point out that no alterations were made to the text of the oath/declaration. The only alterations that were made were to the inventor's address, which is not a *per se* violation of 37 CFR 1.52(c). Applicant respectfully requests that the objection to the oath/declaration be withdrawn.

### **Objection to the Claims**

The Examiner has objected to certain informalities in the claims. The Applicant has canceled claims 79-89 thus rendering the Examiner's objections moot. Applicant respectfully requests that the objection to the claims be withdrawn.

### **The Rejections Under 35 U.S.C. §102, Should be Withdrawn**

Claims 79-85 and 89 were rejected under 35 U.S.C. 102, as being anticipated by USP 6,221,622 to Love. The Applicant has canceled claims 79-89 thus rendering the Examiner's rejection moot. Applicant respectfully requests that the rejection of to claims 79-85 and 89 be withdrawn.

New claims 90-100 teach the infusion and withdrawal of lavage fluid and substances borne by the lavage fluid from a breast duct or ductal network through the same lumen of a catheter. Since Love does not teach or suggest a single lumen catheter for the infusion and withdrawal of lavage fluid, Love should not be applied to new claims 90-100.

Claims 79-89 were rejected under 35 U.S.C. 102, as being anticipated by Hou et al.

(Radiology 1995). The Applicant has canceled claims 79-89 thus rendering the Examiner's rejection moot. Applicant respectfully requests that the rejection of to claims 79-89 be withdrawn.

New claims 90-100 teach inserting a distal end of a catheter through a ductal orifice and into a distal lumen of a duct or ductal network; said catheter comprising a proximal end and a distal end, and an internal lumen extending between said proximal and distal ends, said distal end including an opening for delivering lavage fluid within said duct and receiving fluid from within the duct; and a manifold hub in fluid communication with said catheter, said manifold hub comprising a distal end having a first port for infusing fluids into said hub and a second port for collecting fluid from within said hub. Since Hou et al. does not teach or suggest a catheter with a hub, Hou et al. should not be applied to new claims 90-100.

#### **Rejection Under the Judicially Created Doctrine of Obviousness-Type Double Patenting**

Applicant asserts that a terminal disclaimer may be filed at the time the claims are indicated to be allowable. Applicants appreciate the examiner holding this issue in abeyance until such a time that there is allowable subject matter.

#### **CONCLUSION**

It is believed that a two month extension is required for this submission. If any additional fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 502855, accordingly. If any questions or issues remain, the resolution

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of which the Examiner feels would be advanced by a conference with Applicant, the Examiner is invited to contact Applicant's attorney at the number noted below.

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Respectfully submitted,

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